

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IRIDA KIMCA and DERRICK SAMPSON,  
*individually and on behalf of all those  
similarly situated,*

Plaintiffs,

v.

SPROUT FOODS, INC. D/B/A SPROUT  
ORGANIC FOODS and SPROUT  
NUTRITION,

Defendant.

**Case No. 2:21-cv-12977-SRC-JSA**

**STIPULATION AND ORDER**

WHEREAS, on August 19, 2021, Defendant filed a motion to dismiss Plaintiffs' Complaint (ECF No. 21);

WHEREAS, on September 7, 2021, a related action entitled *Key, et al. v. Sprout Foods, Inc.*, Case No. 2:21-cv-16605-SRC-JSA was transferred to this Court;

WHEREAS, Plaintiffs intended to file a motion seeking an Order consolidating these actions and setting a schedule for the filing of a consolidated amended complaint ("CAC");

WHEREAS, on September 22, 2021, the Court entered a Text Order (ECF No. 26) directing the parties to:

- (1) meet and confer, and agree on a briefing schedule for the opposition and the reply on the motion to dismiss as well as a complete briefing schedule for the motion to consolidate, and (2) serve all of the papers on the opposing party(ies) according to the briefing schedule (and refrain from filing any papers on ECF).

Once all papers for both motions have been served, the parties shall, within seven days thereafter, file the moving papers for each motion under a new notice of motion, respectively, the opposition papers, and the reply papers simultaneously under separate docket entries.

WHEREAS, the parties met and conferred to discuss a proposed briefing schedule for the motions and during that process counsel for the *Key* matter advised that they were likely going to be dismissing that case;

WHEREAS, on October 29, 2021 the *Key* matter was dismissed with prejudice, thereby mooted the need for the anticipated motion to consolidate the cases;

WHEREAS, the parties in this matter met and conferred and have agreed to a schedule for the filing of an Amended Complaint and the briefing schedule on the anticipated motion to dismiss;

NOW THEREFORE, the parties through their respective counsel and subject to the Court's approval hereby stipulate that:

1. Plaintiff shall file an Amended Complaint on or before December 20, 2021;
2. Defendant shall serve (but not file) its motion to dismiss on or before January 24, 2022;
3. Plaintiffs' opposition to the motion to dismiss shall be served (but not filed) on or before February 25, 2022;
4. Defendant's reply in further support of the motion to dismiss shall be served (but not filed) on or before March 18, 2022;
5. The parties shall then file the moving papers, opposition papers and reply papers simultaneously under separate docket entries on March 21, 2022.

**IT IS SO STIPULATED.**

/s/ Matthew R. Mendelsohn

Dated: November 17, 2021

Matthew R. Mendelsohn

**MAZIE SLATER KATZ & FREEMAN, LLC**

103 Eisenhower Parkway

Roseland, NJ 07068

Phone: (973) 228-0391

mrm@mazieslater.com

aslater@mazieslater.com

jslater@mazieslater.com

*Attorneys for Plaintiffs*

/s/ Abigail M. Luhn

Dated: November 17, 2021

Michael C. Zogby

Abigail M. Luhn

**FAEGRE DRINKER BIDDLE & REATH LLP**

600 Campus Drive

Florham Park, NJ 07932-1047

(973) 549-7000 (telephone)

michael.zogby@faegredrinker.com

abigail.luhn@faegredrinker.com

Sarah L. Brew (*pro hac vice*)

Tyler A. Young (*pro hac vice*)

Rory F. Collins (*pro hac vice*)

Emily R. Zambrana (*pro hac vice*)

200 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402-3901

*Attorneys for Defendant Sprout Foods, Inc.*

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Date: November 18, 2021

s/ Jessica S. Allen

Hon. Jessica S. Allen, U.S.M.J.